

1 3993 Howard Hughes Parkway, Suite 600
 2 Las Vegas, NV 89169-5996
 3 Facsimile (702) 949-8321
 4 Telephone (702) 949-8320

5 Rob Charles NV State Bar No. 006593
 6 Email: rcharles@lrlaw.com
 7 John Hinderaker AZ State Bar No. 018024
 8 Email: jhinderaker@lrlaw.com

9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**
 11 **DISTRICT OF NEVADA**

12 In re:

13 USA COMMERCIAL MORTGAGE
 14 COMPANY,

15 USA CAPITAL REALTY ADVISORS,
 16 LLC,¹

17 USA CAPITAL DIVERSIFIED TRUST
 18 DEED FUND, LLC,

19 USA CAPITAL FIRST TRUST DEED
 20 FUND, LLC,²

21 USA SECURITIES, LLC,³ Debtors.

22 **Affects:**

- 23 All Debtors
- 24 USA Commercial Mortgage Company
- 25 USA Capital Realty Advisors, LLC
- 26 USA Capital Diversified Trust Deed Fund, LLC
- 27 USA Capital First Trust Deed Fund, LLC
- 28 USA Securities, LLC

29 Case No. BK-S-06-10725-LBR¹
 30 Case No. BK-S-06-10726-LBR¹
 31 Case No. BK-S-06-10727-LBR²
 32 Case No. BK-S-06-10728-LBR²
 33 Case No. BK-S-06-10729-LBR³

34 **CHAPTER 11**

35 Jointly Administered Under Case No.
 36 BK-S-06-10725 LBR

37 **NOTICE OF HEARING REGARDING
 38 FIFTH OMNIBUS OBJECTION OF
 39 USACM TRUST TO PROOFS OF
 40 CLAIM BASED UPON
 41 INVESTMENT IN THE ROAM
 42 DEVELOPMENT GROUP, LP
 43 LOAN; AND CERTIFICATE OF
 44 SERVICE**

45 Date of Hearing: February 20, 2009
 46 Time of Hearing: 9:30 a.m.

47 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
 48 THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
 49 CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE**

50 ¹ This bankruptcy case was closed on September 23, 2008.

51 ² This bankruptcy case was closed on October 12, 2007.

52 ³ This bankruptcy case was closed on December 26, 2007.



1 **ROAM DEVELOPMENT GROUP, LP LOAN BECAUSE THE USACM TRUST**
2 **CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR YOUR**
3 **INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT IMPACT**
4 **YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A**
5 **DIFFERENT LOAN.**

6 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
7 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
8 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
9 **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**
10 **GROUP, LLC ((602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

11 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its
12 FIFTH Omnibus Objection to Proofs of Claim Based Upon Investment in the Roam
13 Development Group, LP Loan (the "Objection"). Your Proof of Claim number and other
14 information regarding your claim is provided in **Exhibit A**, attached. The USACM
15 Liquidating Trust has requested that this Court enter an order, pursuant to Bankruptcy
16 Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to the extent it is
17 based upon an investment in the Roam Development Group, LP Loan. The Objection will
18 not impact your Claim to the extent it is based upon an investment in a different loan.

19 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
20 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
21 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
22 **February 20, 2009, at the hour of 9:30 a.m.**

23 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
24 **FEBRUARY 20, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS**
25 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
26 **ARGUMENTS WILL BE HEARD ON THAT DATE.**



1 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
 2 by February 13, 2009, pursuant to Local Rule 3007(b), which states:

3 If an objection to a claim is opposed, a written response must be filed and
 4 served on the objecting party at least 5 business days before the scheduled
 5 hearing. A response is deemed sufficient if it states that written
 6 documentation in support of the proof of claim has already been provided to
 the objecting party and that the documentation will be provided at any
 evidentiary hearing or trial on the matter.

7 If you object to the relief requested, you *must* file a **WRITTEN** response to this
 8 pleading with the Court. You *must* also serve your written response on the person who
 9 sent you this notice.

10 If you do not file a written response with the Court, or if you do not serve your
 11 written response on the person who sent you this notice, then:

12 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
 13 • The Court may *rule against you* and sustain the objection without formally
 14 calling the matter at the hearing.

15 Dated: January 9, 2009.

16 LEWIS AND ROCA LLP

17 By /s/ John Hinderaker Rob Charles (#18024)
 18 Rob Charles, NV 6593
 19 John C. Hinderaker, AZ 18024 (*pro hac vice*)
 20 3993 Howard Hughes Parkway, Suite 600
 21 Las Vegas, Nevada 89169
 22 Telephone: (702) 949-8320
 23 Facsimile: (702) 949-8321
 24 E-mail: rcharles@lrlaw.com
 25 *Attorneys for the USACM Liquidating Trust*

26 Copy of the foregoing mailed by first class
 postage prepaid U.S. Mail on
 January 9, 2009 to:

27 Parties listed on Exhibit A attached.

28 s/Renee L. Creswell
 29 Renee L. Creswell
 30 Lewis and Roca LLP